

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**
Alexandria Division

UNITED STATES OF AMERICA,	:	
	:	
v.	:	Criminal Case No. 1:18-CR-457 (AJT)
	:	
BIJAN RAFIEKIAN, et al.	:	

DEFENDANT RAFIEKIAN’S NON-CONFIDENTIAL SUPPORTING MEMORANDUM

Pursuant to Local Criminal Rule 49(D), Mr. Rafiekian, through counsel, respectfully moves the Court for leave to file under seal a memorandum in response to the government’s *ex parte* motion dated July 3, 2019.

The Court has inherent power to seal submitted materials. *See In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984) (“The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.”); *Am. Civil Liberties Union v. Holder*, 673 F.3d 245, 255–56 (4th Cir. 2011).

Mr. Rafiekian’s memorandum responds to the government’s *ex parte* motion regarding its change in position on the eve of trial. The government had the opportunity to make its argument. In an effort to preserve the Court’s time, Mr. Rafiekian now seeks to address the government’s assertions in advance of the hearing scheduled for July 9, 2019. However, because the government filed its motion *ex parte* and under seal, Mr. Rafiekian may only address the government’s motion by also filing under seal.

Accordingly, Mr. Rafiekian seeks an Order granting his request for leave to file his response memorandum under seal.

Dated: July 5, 2019

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that, on the 5th day of July 2019, true and genuine copies of Defendant Bijan Rafiekian's Memorandum in Support of his Motion for Leave to File Under Seal was sent via electronic mail by the Court's CM/ECF system to the following:

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